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From: CN=Erin Foresman/OU=R9/O=USEPA/C=US

Sent: Fri 1/6/2012 8:47:47 PM

Subject: Update on BDCP NEPA-CWA Process

[BDCP NEPA 404 MOU 090711 Nepstad Clean.docx](#)

cenos@water.ca.gov

<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

Hi All,

It has been a while since the federal lead and federal cooperating agencies have met to discuss the BDCP EIS with respect to providing information necessary to meet CWA Section 404 permitting needs. I'm writing to give you an update on the status of this process.

The Corps and EPA drafted a NEPA-CWA-RHA MOU that outlines a process for integrating CWA information needs into the EIS so that it can serve as NEPA compliance for Corps CWA permitting actions. Proposed signatories to the draft MOU are the BDCP lead federal agencies (NMFS, FWS, BOR), DWR, and the federal cooperating agencies (EPA & Corps). The latest draft MOU available to EPA is attached. The MOU has not been finalized however there was a verbal, leadership-level commitment from DWR, EPA, and Corps, and acknowledgment from DOI about the content and the benefit of proceeding under the proposed draft MOU while the Corps finishes its internal review process.

DWR invited EPA and the Corps to meetings beginning in Spring 2011 to make progress on the process outlined in the draft MOU.

The NEPA-CWA integration process contains actions that are likely important for your agencies. The draft MOU contains checkpoints which require formal agency agreement on important elements of the BDCP such as purpose and need. We are approaching Checkpoint A in the draft MOU in which the BDCP lead federal agencies request agreement from EPA and the Corps on the NEPA purpose and need statement for the BDCP EIS and the CWA Section 404 basic and overall project purpose statements for any BDCP projects that will use the EIS to support a CWA permit action from the Corps. We will be discussing these at the next BDCP NEPA-CWA meeting on January 19, 2012 (9:30am - 11:00am, 901 P ST, Room 422). Please let Cassandra Enos (cenos@water.ca.gov) at DWR know if you are interested in attending this meeting.

I encourage all of you to read the Draft MOU with special focus on Checkpoint A. Please let me know if you would like to see the language DWR has drafted for concurrence on Checkpoint A or you can also request it from Cassandra.

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I work a part time schedule (M 7:30a - 4:00p, T - F 7:30a - 2:00p)